

EXHIBIT E

PTO- 1583

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Combined Declaration of Use and Incontestability under Sections 8 & 15**The table below presents the data as entered.**

Input Field	Entered
REGISTRATION NUMBER	5622245
REGISTRATION DATE	12/04/2018
SERIAL NUMBER	87886242
MARK SECTION	
MARK	PROOV (see, mark)
ATTORNEY INFORMATION (current)	
NAME	Marie Dutton
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	EmergeCounsel
STREET	PO Box 13677
CITY	Denver
STATE	Colorado
POSTAL CODE	80201
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
PHONE	720-924-8191
EMAIL	mdutton@emergecounsel.com
ATTORNEY INFORMATION (proposed)	
NAME	Marie Dutton
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	EmergeCounsel
STREET	PO Box 13677
CITY	Denver
STATE	Colorado
POSTAL CODE	80201
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
PHONE	720-924-8191

EMAIL	mdutton@emergecounsel.com
OTHER APPOINTED ATTORNEY	Steven Weigler
CORRESPONDENCE INFORMATION	
NAME	Marie Dutton
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	mdutton@emergecounsel.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	tmdocket@emergecounsel.com; sweigler@emergecounsel.com
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	005
GOODS OR SERVICES	Chemical preparations for pharmaceutical or medical purposes, namely, for determining progesterone production; Chemical preparations for pharmaceutical or medical purposes, namely, for testing fertility; Chemical preparations for pharmaceutical or medical purposes, namely, for evaluating urine; Ovulation test kits; In-vitro ovulation prediction test kit for home use
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT18\IMAGEOUT 18\878\862\87886242\xml4 \ 8150002.jpg
	\\TICRS\EXPORT18\IMAGEOUT 18\878\862\87886242\xml4 \ 8150003.jpg
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SPECIMEN DESCRIPTION	Screenshots from Registrant's website showing use of the mark on the packaged goods, in connection with the goods, and the means for purchase.
WEBPAGE URL	https://proovtest.com/collections/shop-all?_gl=1*_sumsj9*_up*MQ..*_gs*MQ..
WEBPAGE DATE OF ACCESS	11/26/2024
WEBPAGE URL	https://proovtest.com/products/complete-testing-system?_gl=1*_likk4t8*_up*MQ..*_gs*MQ..
WEBPAGE DATE OF ACCESS	11/26/2024
OWNER SECTION (current)	
NAME	MFB Fertility, Inc.
MAILING ADDRESS	720 Austin Ave Suite 100-305
CITY	Erie
STATE	Colorado
ZIP/POSTAL CODE	80516
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
EMAIL	XXXX
OWNER SECTION (proposed)	
NAME	MFB Fertility, Inc.

MAILING ADDRESS	720 Austin Ave Suite 100-305
CITY	Erie
STATE	Colorado
ZIP/POSTAL CODE	80516
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
EMAIL	XXXX
OWNER DOMICILE ADDRESS(NEW)	
*ADDRESS	XXXX
*CITY	XXXX
*STATE (Required for U.S. applicants)	XXXX
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	XXXX
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	XXXX
LEGAL ENTITY SECTION (current)	
TYPE	corporation
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY OF INCORPORATION	Colorado
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
COMBINED §§ 8 & 15 FILING FEE PER CLASS	425
TOTAL FEE PAID	425
SIGNATURE SECTION	
SIGNATURE	/Marie Dutton/
SIGNATORY'S NAME	Marie Dutton
SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	11/26/2024
SIGNATORY'S PHONE NUMBER	720-924-8191
SIGNATURE METHOD	Sent to third party for signature
PAYMENT METHOD	CC
FILING INFORMATION	
SUBMIT DATE	Tue Nov 26 15:06:58 ET 2024
TEAS STAMP	USPTO/S08N15-XXXX:XXXX:XX XX:XXXX:XXXX:XXXX:XXXX:XX X-20241126150659736691-56 22245-85081ab6ec5ad6badbc 988f857b631643514f1d76bc7 5384391af1c5bd15c3cd1-CC- 06587712-2024112611510015 9019

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Combined Declaration of Use and Incontestability under Sections 8 & 15

To the Commissioner for Trademarks:

REGISTRATION NUMBER: 5622245

REGISTRATION DATE: 12/04/2018

MARK: PROOV

Current: The owner, MFB Fertility, Inc., a corporation of Colorado, having an address of
720 Austin Ave Suite 100-305
Erie, Colorado 80516
United States
XXXX

Proposed: The owner, MFB Fertility, Inc., a corporation of Colorado, having an address of
720 Austin Ave Suite 100-305
Erie, Colorado 80516
United States
XXXX

and a domicile address of

XXXX
XXXX, XXXX XXXX
XXXX

is filing a Combined Declaration of Use and Incontestability under Sections 8 & 15.

For International Class 005, the mark is in use in commerce on or in connection with **all** of the goods/**all** of the services, or to indicate membership in the collective membership organization, listed in the existing registration for this specific class: Chemical preparations for pharmaceutical or medical purposes, namely, for determining progesterone production; Chemical preparations for pharmaceutical or medical purposes, namely, for testing fertility; Chemical preparations for pharmaceutical or medical purposes, namely, for evaluating urine; Ovulation test kits; In-vitro ovulation prediction test kit for home use; **and** the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with **all** goods/**all** services, or to indicate membership in the collective membership organization, listed in the existing registration for this class. Also, no final decision adverse to the owner's claim of ownership of such mark for those goods/services, or to indicate membership in the collective membership organization, exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists.

The owner is submitting one(or more) specimen(s) for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Screenshots from Registrant's website showing use of the mark on the packaged goods, in connection with the goods, and the means for purchase..

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

[Specimen File5](#)

Webpage URL: https://proovtest.com/collections/shop-all?_gl=1*sumsj9*_up*MQ..*_gs*MQ..

Webpage Date of Access: 11/26/2024

Webpage URL: https://proovtest.com/products/complete-testing-system?_gl=1*1ikk4t8*_up*MQ..*_gs*MQ..

Webpage Date of Access: 11/26/2024

The owner's/holder's current attorney information: Marie Dutton. Marie Dutton of EmergeCounsel, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, is located at

PO Box 13677

Denver, Colorado 80201
United States

The phone number is 720-924-8191.

The email address is mdutton@emergecounsel.com

Marie Dutton submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The owner's/holder's proposed attorney information: Marie Dutton. Other appointed attorneys are Steven Weigler. Marie Dutton of EmergeCounsel, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, and the attorney(s) is located at

PO Box 13677
Denver, Colorado 80201
United States

The phone number is 720-924-8191.

The email address is mdutton@emergecounsel.com

Marie Dutton submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

Correspondence Information

Marie Dutton
PRIMARY EMAIL FOR CORRESPONDENCE: mdutton@emergecounsel.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): tmdocket@emergecounsel.com; sweigler@emergecounsel.com

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the owner/holder and the owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$425 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

- ☒ Unless the owner has specifically claimed excusable nonuse, the mark is in use in commerce on or in connection with the goods/services or to indicate membership in the collective membership organization identified above, as evidenced by the attached specimen(s).
- ☒ Unless the owner has specifically claimed excusable nonuse, the specimen(s) shows the mark as currently used in commerce on or in connection with the goods/services/collective membership organization.
- ☒ The mark has been in continuous use in commerce for five consecutive years after the date of registration, or the date of publication under 15 U.S.C. § 1062(c), and is still in use in commerce on or in connection with all goods/services, or to indicate membership in the collective membership organization, listed in the existing registration.
- ☒ There has been no final decision adverse to the owner's claim of ownership of such mark for such goods/services, or to indicate membership in the collective membership organization, or to the owner's right to register the same or to keep the same on the register.
- ☒ There is no proceeding involving said rights pending and not finally disposed of either in the United States Patent and Trademark Office or in a court.
- ☒ To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- ☒ The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of this submission and the registration, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /Marie Dutton/ Date: 11/26/2024

Signatory's Name: Marie Dutton
Signatory's Position: Attorney of record
Signatory's Phone: 720-924-8191
Signature method: Sent to third party for signature

Mailing Address (current):

EmergeCounsel
PO Box 13677
Denver, Colorado 80201

Mailing Address (proposed):

EmergeCounsel
PO Box 13677
Denver, Colorado 80201

Serial Number: 87886242

Internet Transmission Date: Tue Nov 26 15:06:58 ET 2024

TEAS Stamp: USPTO/S08N15-XXXX:XXXX:XXXX:XXXX:XXXX:XX

XX:XXXX:XXX-20241126150659736691-5622245

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